

REMARKS/ARGUMENTS

Claims 9-12, 21-24, and 27-28 have been examined and rejected. Claims 1-8, 13-20, and 25-26 were previously withdrawn from consideration due to the election of group II. Accordingly, claims 9-12, 21-24, and 27-28 remain pending. Reconsideration and allowance of all pending claims are respectfully requested.

Claims 9-12, 21-24, and 27-28 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,371,734 issued to Fischer in view of U.S. Patent No. 6,556,559 issued to Mitsume et al. It is respectfully submitted that the rejection is improper and should be withdrawn. A prima facie case of obviousness under 35 U.S.C. 103(a) requires that each limitation be disclosed or suggested by at least one of the relied upon references.

This requirement has not been met for any of the rejected claims. The independent claims 9, 11, 21, 23, and 27-28 all require the measurement of receiver gain based on a measurement of signal strength within a receiver. Independent claims 9, 21, and 27 require that the measurement be made in a quiet period. Independent claims 11, 23, and 28 are directed to a multiple antenna receiver system and require that the measurement be made when the antenna connected to the receiver chain under test can be disconnected due to an indication of excellent reception quality. The independent claims further recite that the gain measurement is also based at a known noise level. The cited references do not disclose or suggest these features.

Fischer discloses a MAC protocol for wireless networks. The text cited in columns 16 and 17 of Fischer describes the operation of a modem and mentions a "received signal strength indication (RSSI) signal representing the energy of the received demodulated signal." This is in a sense the opposite of what the independent claims require since the recited measurement is not based on a received signal but is rather made during a quiet period when no received signal is expected.

The Mitsume et al. patent is directed to an ambient field level monitor device for radio mobile terminal. A radio mobile terminal detects the level of a carrier from a base station within a peripheral cell during an idle slot time to measure a value of its received signal strength intensity (RSSI). The mobile station receives carriers from a plurality of base stations through the idle slot to sense the presence or absence of a free channel the mobile station itself can transmit. The idle slot is simply a time in which the mobile station is not receiving from a specified base station through a reception slot or performing transmission through a transmission slot. The idle time slot is not a quiet period, as set forth in the claims. Instead it is a time in which the mobile station is not receiving from or transmitting to a base station within its current zone. The mobile station is, however, receiving signals and measuring RSSI from a plurality of base stations in the peripheral zones during this idle time slot.

Neither Fischer nor Mitsume et al. show or suggest measuring signal strength during upstream quiet period. Accordingly, claims 9, 21, and 27, and the claims depending therefrom, are submitted as patentable over Fischer and Mitsume et al.

With regard to claims 11, 23, and 28, applicants respectfully disagree with the Examiner that Fischer discloses disconnecting a selected one of at least two antennas upon indication of excellent reception quality. Fischer uses software instructions in RAM to perform selection of the best of two antennas. In fact, Fischer even notes that the time required to determine that a signal reception from one antenna is inadequate, and then to synchronize to the signal being received by the other antenna, is time during which transmissions cannot be successfully received. Fischer therefore uses the low-level radio control functionality in the microcontroller to permit selection of a better antenna. Thus, Fischer does not check for indication of excellent reception quality before disconnecting one of the antennas, as set forth in the claims. Furthermore, neither Fischer nor Mitsume et al. measure signal strength at a monitoring point in a receive chain coupled to the selected antenna or determine receiver gain based on measured signal strength and a known noise level.

Accordingly, claims 11, 23, and 28, and the claims depending therefrom, are submitted as allowable over the art of record.

For the foregoing reasons, Applicants believe that all of the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 399-5608.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'C. Kaplan', written over a horizontal line.

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